

**FICTITIOUS BUSINESS NAME INFORMATION**

RE 282 (Rev. 10/03)

**General Information**

The Real Estate Law requires that a fictitious business name must appear on your broker or corporation officer license *before* it may be used in conducting activities for which a real estate license is required. Refer to Section 10159.5 of the Business and Professions (B&P) Code.

Section 2731 of the Commissioner's Regulations provides as follows:

**2731. False or Fictitious Name.**

- (a) A broker shall not use a fictitious name in the conduct of any activity for which a license is required under the Real Estate Law unless the broker is the holder of a license bearing the fictitious name.
- (b) When engaging in any activity for which a license is required under the Real Estate Law, a salesperson may include a nickname on a business card, stationary or advertisement if each of the following conditions are satisfied:
  - (1) The salesperson's name, as it appears in the records of the Department, is clearly set forth on the business card, stationary or advertisement.
  - (2) The salesperson's employing broker's name appears on the business card, stationary or advertising in at least 8-point type.
  - (3) The salesperson's license number appears on the business card, stationary or advertising in at least 8-point type.
  - (4) The nickname is highlighted on the business card, stationary or advertising in quotes to indicate that it is not the salesperson's name as it appear in the records of the Department.
- (c) The Department shall issue a license required under the Real Estate Law only in the legal name of the licensee or in the fictitious business name of a broker who presents evidence of having complied with the provisions of Sections 17910 and 17917 of the Code.
- (d) The commissioner may refuse to issue a license bearing a fictitious name to a broker if the fictitious name:
  - (1) Is misleading or would constitute false advertising.
  - (2) Implies a partnership or corporation when a partnership or corporation does not exist in fact.
  - (3) Includes the name of a real estate salesperson.
  - (4) Constitutes a violation of the provisions of Sections 17910, 17910.5, 17915 or 17917 of the Code.
  - (5) Is the name formerly used by a licensee whose license has since been revoked.

If you are working as a broker-salesperson, a fictitious business name is not required. Do not list your employing broker's fictitious business name on your applications.

Some DBA names cannot be issued or require documentation and clarification per Regulation 2731.

**Deleting A Fictitious Business Name****Broker — Submit the following:**

- Change Application For Broker Licensees (RE 204), if deleting during license period, **or**
- Broker Renewal Application (RE 208), if deleting at renewal time.

**Corporation officer — Submit the following:**

- Corporation Change Application (RE 204A), if deleting during license period or at renewal time.

You may also wish to file an abandonment of the DBA with the county clerk.

**Adding A Fictitious Business Name****Completing the Fictitious Business Name Statement (FBNS)**

- **Registrant** — List the licensee's name as one of the registrants. **Note:** If a licensed broker, the FBNS must be filed on behalf of the broker. If a licensed corporation, the FBNS must be filed on behalf of the corporation.
- **Address** — List the main office address or a branch office address (as shown on DRE records) in the business address field.
- **Fictitious business name** — List the name exactly as it will be used.
- **Proper county** — File the FBNS with the county clerk in the county where your main office is located. The FBNS submitted to DRE cannot be more than five years old.
- **Proper stamps** — The FBNS submitted to DRE must bear the "Filed" and "Certified" stamps from the county clerk's office. **Note:** "Proof of Publication" is not acceptable.
- **Completed FBNS** — Submit one of the originals or a legible photocopy with the appropriate DRE application (see below).

**Broker — Submit the following:**

- FBNS and a Broker License Application (RE 200), if applying for a broker license, **or**
- FBNS and a Change Application For Broker Licensees (RE 204), if adding during the license period, **or**
- FBNS and a Broker Renewal Application (RE 208), if adding at renewal time.

**Corporation officer — Submit the following:**

- FBNS and a Corporation License Application (RE 201), if applying for a broker-officer license, **or**
- FBNS and a Corporation Change Application (RE 204A), if adding during the license period or at renewal time.

**Mailing Information**

Mail the appropriate documents to: Department of Real Estate, P.O. Box 187004, Sacramento, CA 95818-87004.